

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CHARLENE LIBERTY, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 19-573JJM
	:	
RHODE ISLAND DEPARTMENT	:	
OF CORRECTIONS, <i>et al.</i> ,	:	
Defendants.	:	

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

On May 16, 2022, Plaintiffs filed a Suggestion of Death on behalf of named Plaintiff Charlene Liberty. ECF No. 75. As a result, the Court subsequently ordered the parties to “show cause . . . why the Court should not terminate [Ms. Liberty] from this action and dismiss her claims as moot.” Text Order of May 19, 2022. In response to the show cause order Plaintiffs filed a twenty-two-page memorandum with two exhibits. ECF No. 79. Defendants subsequently moved to strike Plaintiffs’ response as non-responsive. ECF No. 82.

Based on Plaintiffs’ “response” to the Court’s show cause order, which does not directly respond to the question in the show cause order, the Court adopts as correct the legal proposition stated in the show cause order and finds that the claims of Plaintiff Charlene Liberty are mooted by her death. See Text Order of May 19, 2022. The Court recommends that the Clerk be directed to terminate Plaintiff Charlene Liberty as a party in this case. The Court has not considered any of the extraneous matters addressed in Plaintiffs’ response to the show cause order. In particular, this report and recommendation does not address one way or the other the scope of the claims of the remaining Plaintiffs, including the scope of the class that the Court

might hereafter certify. The Court further recommends that Defendants' motion to strike be denied as moot.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
June 8, 2022